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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 231 of 2017***(Arising out of judgment/order dated 19.4.2017 in Writ Petition (Cr.) No.136 of 2017 of the learned Single Judge)*

R.K. Pandey S/o Late C. P. Pandey, Aged About 51 Years Forman, SECL Gevra Project, R/o H. No. M Q 498, Dipaka Colony, Dipaka, District Korba, (Chhattisgarh).

---- Appellant**Versus**

1. State Of Chhattisgarh Through Director General Of Police, Police Head Quarter, Raipur, Chhattisgarh.
2. Inspector General Of Bilaspur Range, I.G. Office, Bilaspur (Chhattisgarh)
3. Superintendent Of Police, Korba (Chhattisgarh)
4. Station House Officer, Police Station Dipaka, Town Dipaka, District Korba (Chhattisgarh)
5. Continental Suraksha Insurance Services Pvt. Ltd, Code : 00584973, License No. 196, Address : BD 4th Floor, Big Jos Tower, Netaji Subhash Place, Pitampura, New Delhi. Through Rohit Sharma
6. H D F C Standard Life Insurance Company Ltd., Through Its Authorized Officer, Bilaspur Branch- HDFC Standard Life Insurance Company Ltd., 2nd Floor, Office No. 202, Rama Trade Centre, Opp Rajiv Plaza, Bus Stand Road Bilaspur Chhattisgarh.
7. Sridhar Insurance Broker Pvt. Ltd., C/o Reliance Life Insurance Company Limited, Shop No. 6, 2nd Floor, VR Plaza, Infant Of Motilal Patrol Pump, Link Road, Bilaspur (Chhattisgarh) Through Sndhya Agrawal,
8. Ravindra Singh, Sells Manager, Reliance Life Insurance Company Limited, Shop No. 6, 2nd Floor, V R Plaza, Infant Of Motilal Patrol Pump, Link Road, Bilaspur (Chhattisgarh)
9. Reliance Life Insurance Company Limited, Shop No. 6, 2nd Floor, VR Plaza, Infant Of Motilal Patrol Pump, Link Road, Bilaspur (Chhattisgarh)
10. M/s Door Step Insurance Brokers Private Ltd., Bhopal, C/o DHFL Pramerica Life Insurance Co. Ltd. 4th Floor, Building No. 9 B, Cyber City, DLF Phase III,

Gurgaon- 122002, Haryana, Through Mihir Rai

11. DHFL Pramerica Life Insurance Co. Ltd., Through Its Chairman, 4th Floor,
Building No. 9 B, Cyber City, DLF Phase III, Gurgaon 122002, Haryana

12. Bharti AXA Life Insurance Company Ltd. Branch Office Bilaspur- A-99, Near
Natraj Hotel, Link Road, Bilaspur Chhattisgarh.

---- Respondents

For Appellant	: Shri Hemant Gupta, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.
	: Shri Sunil Otmani, Advocate as <i>Amicus Curiae</i> .

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sanjay Agrawal, Judge.

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

29/11/2017

1. We have heard the learned counsel for the Appellant, learned Government Advocate and the learned *Amicus Curiae*.
2. This appeal is against the order by which the learned Single Judge, in exercise of discretionary jurisdiction under Article 227 of the Constitution of India held that, as regards the grievance of the Petitioner that the police officers are not acting on a compliant made to them, the Petitioner has efficacious alternative statutory remedy in terms of Sections 156(3) and 200 of the CrPC.
3. Learned *Amicus Curiae* brought to the notice of this Court to the decisions rendered by this Court in Writ Appeal No.228 of 2016 delivered on 29.11.2016 and Writ Petition (Cr) No.9 of 2016 delivered on 26.8.2016.
4. Reference is made by the learned Single Judge to the decisions of the Apex Court in ***Sakiri Basu v. State of Uttar Pradesh & Others, (2008) 2 SCC 409*** and ***Aleque Padamsee & Others v. Union of India, (2007) 6 SCC 171***. Reference is

also made by the learned Single Judge to the decision of this Court in ***Mohd. Anish Memon v. State of Chhattisgarh & Others, 2009 (1) MPJR-CG 73.***

5. While ***Lalita Kumari v. Government of Uttar Pradesh & Others, (2014) 2 SCC 1*** is authority for the position that the police officers have statutory duty to act upon the complaint in the manner delineated therein, the fact of the matter remains that the learned Single Judge, has through the impugned order, only refused to entertain the writ petition noticing that the Petitioner has adequate efficacious alternative statutory remedy in view of Sections 156(3) and 200 of the CrPC, for which, the preposition that there can be no dispute for the precedents in *Sakiri Basu (supra)* and *Aleque Padamsee (supra)*. Hence, we do not find our way to hold that the exercise of discretionary jurisdiction by the learned Single Judge can be faulted to any ground to place this intra-Court appeal to the Division Bench in proviso to Section 2(1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006. Hence, this appeal fails.
6. In the result, this appeal is dismissed.
7. We place on record our appreciation for the assistance rendered by learned *Amicus Curaie* in this matter.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE